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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,069	09/07/1999	ELIZABETH F. CHURCHILL	FXPL-01000US	8020
23910	7590	02/23/2005	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			NAJJAR, SALEH	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/391,069

Applicant(s)

CHURCHILL ET AL.

Examiner

Saleh Najjar

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27,33-35,47 and 48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27,33-35,47 and 48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2157

1. This action is responsive to the amendment filed on October 4, 2004. Claim 48 was newly added. Claims 1-27, 33-35, and 47-48 are pending. Claims 1-27, 33-35, and 47-48 represent an apparatus and method for anchored conversations adhesive in content supporting virtual discussion forums.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-10, 15-20, 22-25, 27, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkado, U.S. Patent No. 6,542,165.

Ohkado teaches the invention substantially as claimed including a system and method for relating annotation data to an application window (see abstract).

As to claim 1, Ohkado teaches a system for placing and maintaining anchored conversations within an artifact comprising a file having a file type, the system comprising:

an application configured to access the artifact, wherein the application is associated with the file type (see figs. 1-3; col. 9, line 16; col. 12, Ohkado discloses a subject application for accessing a file).

A transparent window (message box) configured to access said anchored conversation and to receive communications regarding a portion of the artifact, wherein the artifact is viewed within the application (see fig. 3; col. 9, lines 48-62, Ohkado discloses a transparent window displayed on top of the application file window including a receive and transmission control parts 233, 235 which receives and transmits change data from drawing control part 209);

An anchor configured to identify a location within said artifact with which said (message box / transparent window) is associated (see figs. 2-3; col. 11, lines 5-12, Ohkado discloses a display control part 225 that specifies the position and size of the transparent window);

a conversation coordinator configured to maintain a relationship between the anchor, the conversation client and the anchored conversation (see figs. 1-3; col. 10, Ohkado discloses a an annotation control window that coordinates the conversation within the message box / transparent window).

Ohkado fails to teach the limitation of a conversation client. Ohkado does teach that the transparent window relates conversations between computers regarding a commonly viewed application and file using program code parts 233, 235, 207, that transmit and receive data entered by clients in the message box/ transparent window (see col. 9-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ohkado by specifying the program code parts 233, 235, 207, and the transparent window as a conversation client since the same functionality of transmitting messages confined to a commonly viewed message box is achieved.

As to claim 2, Ohkado teaches the system according to claim 1.

Ohkado fails to teach the limitation wherein said conversation coordinator and said conversation client (transparent window / message box) are separate applications. Ohkado does teach that the different program codes for implementing the subject application 201, transparent window 205, window procedure 207, drawing part 209, drawing control part 211, hook 213, receive/transmit control parts 233, 235 are not necessarily all implemented on the client machine and are shown in the figure as separate blocks in the drawing diagram and that the server machine may implement some functions of the code parts present at the client (see cool. 8, line 60- col. 9, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ohkado by configuring the conversation client (transparent window 205) and conversation coordinator (annotation control) as two separate applications.

One would be motivated to do so since Ohkado does suggest that some of the program codes implemented on the client can reside separately on a server.

As to claim 3, Ohkado teaches the system according to claim 1, wherein the application is configured to allow access to sections of the artifact outside the anchor (see figs. 2-3; col. 9-12).

As to claim 5, Ohkado teaches the system according to claim 1, wherein: said conversation coordinator comprises, a request handler configured to receive conversation requests from a requesting conversation client, and a client mechanism configured to initiate a recipient conversation client having an anchor position, application, and artifact equivalent to the application, artifact, and anchor position of the requesting conversation client (see figs. 1-5; col. 9-13).

As to claim 6, Ohkado teaches the system according to claim 5, wherein said request handler includes an approval mechanism that identifies whether an intended recipient of the conversation request approves entering into an anchored conversation (see col. 12, lines 35-40).

As to claim 7, Ohkado teaches the system according to claim 6.

Ohkado fails to teach the limitation wherein said approval mechanism includes an id device that identifies all participants of a conversation to the intended recipient.

However, "Official Notice" is taken that the concept and advantages of implementing a conversation approval mechanism configured to identify the participants of a conversation to the recipient is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ohkado by implementing conversation approval mechanism configured to identify the participants of a conversation to the recipient. One would be motivated to do so to prevent unauthorized participation in a conversation.

As to claim 8, Ohkado teaches the system according to claim 5, wherein:

said client mechanism comprises, a startup mechanism configured to initiate a target application associated with a conversation request received by the request handler; a retrieval mechanism configured to retrieve an artifact associated with the conversation request and load the retrieval artifact into the target application; a

connection manager configured to establish a communications link with the requesting conversation client and the recipient conversation client; and an anchor device configured to locate and attach the recipient conversation client to the equivalent anchor position in the retrieved artifact (see col. 10-12).

As to claim 9, Ohkado teaches the system according to claim 8, wherein said anchor device is further configured to track a location of said equivalent anchor position, and position a user interface of the conversation client to within a predetermined proximity of the anchor if a position of the anchor is moved (see col. 11, lines 5-15).

As to claim 10, Ohkado teaches the system according to claim 8, wherein said anchor device comprises:

an attachment device configured to maintain a position of the conversation client relative to the corresponding anchor; an unattach device configured to disassociate the position of the conversation client from a corresponding anchor; and reattachment device configured to re-attach a detached conversation client to the position of its corresponding anchor (see figs. 11-5; col. 10, lines 5-60, Ohkado discloses modules that implement the attachment of the transparent window 205 based on user interface input).

As to claims 15-16, Ohkado teaches the system according to claim 1, further comprising:

an interface mechanism configured to initiate at least one target application and load an artifact into the target application; and an anchor device configured to anchor a conversation client to one of the artifact and an anchor of the artifact, wherein said interface mechanism includes at least one application control device configured to direct operations of at least one target application via a target interface (see col. 8-12, Ohkado discloses that program code modules/parts are used to relay events generated on the transparent screen of the shared application window using Graphical user interface modules and hook).

Ohkado fails to teach the claimed limitation of an API for directing control of a target application. Ohkado discloses that the system is implemented using a

Art Unit: 2157

multitasking operating system and that the transparent window is operated by the operating system and subapplication interface and that the system can be implemented using independent, complex or shared hardware / software (see col. 8-9; col. 9, lines 60-67).

“Official Notice” is taken that the concept and advantages of implementing API mechanisms to control target applications is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ohkado by implementing independent applications for performing the function of the transparent window and the shared application. One would be motivated to do so to provide the capability for a shared application program to access operating system and other services and provide a level of abstraction between the application and the kernel (or other privileged utilities) to ensure the portability of the code.

As to claims 17-20, Ohkado teaches the system according to claim 5.

Ohkado fails to teach the limitation, wherein said conversation coordinator further comprises a synchronization device configured to notify a user of the recipient conversation client if the artifact associated with the recipient conversation client becomes out of sync with a master document, wherein said synchronization device includes an activatable input mechanism by which a user may activate a synchronization process to update the out of synch artifact.

However, “Official Notice” is taken that the concept and advantages of synchronizing a document with a master document in a shared application environment is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ohkado by implementing a synchronization mechanism to synchronize shared documents.

Claims 22-25, 27, and 48 do not teach or define any new limitations above claims 1-3, 5-10, 15-20 and therefore are rejected for similar reasons.

4. Claims 4, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkado, U.S. Patent No. 6,542,165 in view of England, U.S. Patent No. 6,144,991.

Ohkado teaches the invention substantially as claimed including a system and method for relating annotation data to an application window (see abstract).

As to claims 4, and 11-14, Ohkado teaches the system according to claim 1.

Ohkado fails to teach the limitation of a database configured to store conversations engaged in by said conversation client; wherein said conversation coordinator is further configured to allow a user access to any current or previous conversations stored in said database, a conversation retrieval mechanism configured to retrieve previous communications from the database that are associated with the requesting conversation client and load the retrieved previous communications into at least the recipient conversation client system.

However, England teaches a system for managing interactions between users in a network teaches of passively recording a session conversation (see col. 14; col. 20, England discloses that a session can be recorded by the director application to a file and played back later through a user request).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ohkado by implementing a database for recording and retrieving previously recorded sessions as in England since Ohkado is directed toward an application sharing system for collaboration.

5. Claims 26, and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkado, U.S. Patent No. 6,542,165 in view of Gutfreund et al., U.S. Patent No. 6,192,394.

Ohkado teaches the invention substantially as claimed including a system and method for relating annotation data to an application window (see abstract).

As to claim 26, Ohkado teaches the system of claim 25 above.

Ohkado fails to teach the claimed limitation wherein said communication device is an IRC client configured to pass and retrieve communication to an IRC network.



However, Gutfreund teaches an inter-program synchronous communications using a collaboration software (see abstract). Gutfreund teaches a an IRC client configured to pass and retrieve communication to an IRC network (see col. 4-7, Gutfreund discloses a Internet chat client configured to pass communication bi-directionally with an IRC network).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ohkado in view of Gutfreund to implement an IRC client for passing communication to and from an IRC network. One would be motivated to do so to enable users to determine if other users are currently available for such interprogram communication.

As to claim 33, Ohkado teaches a system for invoking anchored conversations having artifacts of applications as a context, comprising:

An application conversation interface having an application access mechanism that allows access and manipulation of application operations of each of said applications (see fig. 3; col. 9, lines 48-62; col. 9, line 16; col. 12, Ohkado discloses a subject application for accessing a file and a transparent window displayed on top of the application file window including a receive and transmission control parts 233, 235 which receives and transmits change data from drawing control part 209);

An anchor mechanism configured to identify and attach a conversation client to a selected anchor position in an artifact (see figs. 2-3; col. 11, lines 5-12, Ohkado discloses a display control part 225 that specifies the position and size of the transparent window);

A communication device configured to route communications, from the conversation client to a communications network, and from the communications network to the conversation client (see figs. 3-7; col. 11-13).

Ohkado fails to teach the claimed limitation wherein said communication device is an IRC client configured to pass and retrieve communication to an IRC network.

However, Gutfreund teaches an inter-program synchronous communications using a collaboration software (see abstract). Gutfreund teaches a an IRC client configured to pass and retrieve communication to an IRC network (see col. 4-7,

Gutfreund discloses a Internet chat client configured to pass communication bi-directionally with an IRC network).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ohkado in view of Gutfreund to implement an IRC client for passing communication to and from an IRC network. One would be motivated to do so to enable users to determine if other users are currently available for such inter-program communication.

As to claim 34, Ohkado teaches the system of claim 33 above, wherein said conversation client comprises a communication client capable of and one of text, sound, graphic, tactile, video, and other communication mediums (see col. 11-13).

As to claim 35, Ohkado teaches the system of claim 33 above, further comprising:

A conversation coordinator configured to receive initiation requests from an application, initiate a conversation client to be anchored at an anchor position associated with the initiation request, and send anchored conversation request for initiating an anchored conversation client at a recipient host having a same application, artifact, and anchor position as the requesting client (see figs. 1-3; col. 10, Ohkado discloses a an annotation control window that coordinates the conversation within the message box / transparent window).

6. Claims 21, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkado, U.S. Patent No. 6,542,165 in view of Varma et al., U.S. Patent No. 6,564,246.

Ohkado teaches the invention substantially as claimed including a system and method for relating annotation data to an application window (see abstract).

As to claim 21, Ohkado teaches the system of claim 5 above, wherein said anchored conversation coordinator further comprises an anchor identification mechanism configured to identify other anchored conversations in the artifact of the recipient conversation client (see col. 11-13).

Ohkado fails to teach the claimed limitation including one of highlight, grey, and make invisible each identified anchor based on a predetermined access/privacy setting.

However, Varma teaches a collaboration environment having shared and independent views of shared workspace for real-time collaboration (see abstract). Varma teaches the claimed limitation including one of highlight, grey, and make invisible each identified anchor based on a predetermined access/privacy setting (see col. 9-10, Varma discloses that common window space being shared between collaborators is not required to be common to all participants, ,for example, based on access rights setting some viewers text conversations within a window will be invisible to other collaborators)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ohkado in view of Varma so that participants have independent views of the shared workspace.

Claim 47 does not teach or define any new limitations above claims 1-27, 33-35 and therefore is rejected for similar reasons.

7. Applicant's arguments filed March 4, 2004 have been fully considered but they are not persuasive.

In the remarks, the applicant argues in substance that; A) Ohkado does not disclose or suggest the collective accessing and conversing about files; B) the annotations of Ohkado are not associated with the files themselves, the annotations of Ohkado are associated with a special viewing window rather than applications associated with a particular file; C) Ohkado does not disclose the limitation wherein the application is configured to allow access to sections of the artifact outside the anchor.

In response to A); Ohkado does teach that files are selected and used for collaboration, specifically, Ohkado discloses that at the beginning of a collaborative session, the file name/type, the kind of application used to access the file are accessible and obtained from the server (see col. 12, lines 45-50).

In response to B); Ohkado discloses that the application and file to be used in collaboration is selected prior to establishing the collaboration session (see col. 12, lines 45-50).

In response to C); Ohkado allows for the shared collaboration and selecting the application and files, Ohkado discloses that the subject file of collaboration is accessed and manipulated by the participants (see col. 12-13).

**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

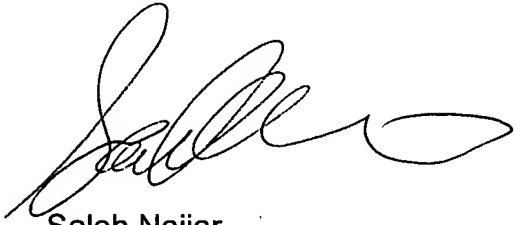
**9.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/391,069  
Art Unit: 2157

Page 12

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a large, stylized loop at the end.

Saleh Najjar

Primary Examiner / Art Unit 2157